



[13101/48202]

SFR

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Türck et al.  
Serial No. : 10/732,859  
Filed : December 9, 2003  
For : CONTROL OF GENE EXPRESSION IN EUKARYOTES  
Examiner : Jennifer Ann Dunston  
Art Unit : 1636  
Confirmation No. : 9112

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

Date:

Signature:

**RESPONSE**

S I R:

In response to the August 9, 2007 communication requesting an election of a single promoter of claim 4, applicants elect without traverse prosecution of the CaMV 35S promoter of claim 4. Applicants respectfully request reconsideration of this application in light of this election.

No extension of time fee is required. In the event any fee is required associated with this communication, applicants authorize the Commissioner to charge any such fee to the deposit account of Kenyon & Kenyon LLP, deposit account number 11-0600.

Prompt and favorable reconsideration is respectfully requested.

Respectfully submitted,  
KENYON & KENYON LLP

Date:

By:

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